

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

PROMEGA CORPORATION,

Plaintiff,

MAX-PLANCK-GESELLSCHAFT ZUR
FORDERUNG DER WISSENSCHAFTEN
E.V.,

Case No.: 10-CV-281

Involuntary Plaintiff,

v.

LIFE TECHNOLOGIES CORPORATION, *et al.*,

Defendants.

EXPENSE REQUEST OF PROMEGA CORPORATION

Plaintiff Promega Corporation (“Promega”) hereby submits this Expense Request, in response to this Court’s Order of July 20, 2011. (Dkt. #214).

In crafting this Expense Request, Promega has provided the Court with the specific time entries related to the Motion to Compel, to help explain the tasks that were completed in the course of drafting this Motion to Compel. As the Court is aware, this is a complex patent litigation case, and the Motion to Compel from which this Expense Report arises came out of months of extensive communication between the parties. (*See generally* Declaration of Stewart W. Karge in Support of Motion to Compel, Exhibits A-U). Merely compiling the numerous communications, then reviewing and crafting those communications into the Motion to Compel, was a significant task.

Promega has also chosen to exclude certain expenses that it could have included. For example, none of the time Stewart W. Karge spent communicating with opposing counsel in an attempt to avoid the Motion to Compel is included with this Expense Request.¹ Similarly, none of the time spent in preparing this Expense Report has been included.

The rates of the attorneys who worked on the Motion to Compel are normal market rates, or less-than-market rates, for a complex patent litigation case in this market. (Declaration of Sarah E. Troupis in Support of Expense Report, ¶ 6). Additionally, the rates listed here are the rates the attorneys working on this Motion to Compel charge the client in the normal course of business. (*Id.*).

It should be noted, as well, that Troupis Law Office LLC, as a policy, does not charge the cost of copying to its clients and so those costs which, while considerable in this instance, are not included. Ordinarily in this market, and the national market for intellectual property litigation, those copying costs are added as are other incidental costs. Such costs are considered covered by the hourly rates charged.

Based on these conditions, the following chart lists the time that attorneys working for Promega Corporation spent in preparing the Motion to Compel (Declaration of Sandy Tabachnick in Support of Expense Request, ¶ 3; Declaration of Sarah E. Troupis in Support of Expense Report, ¶¶ 3-4):

Date	Attorney	Work Description	Hourly Rate	Hours	Total Charge
7/7/11	Stewart W. Karge	Work on Motion to Compel and supporting Declaration with S.E.	\$425	2.0	\$850

¹ Attorney Karge's spent approximately 10.5 hours in these tasks; at his normal hourly rate of \$425, this is over \$4,460 that Promega has excluded from this Expense Request. Many other tasks such as review of inadequate document production, discussions about discovery and the like are also not included at this time.

		Troupis			
	Sarah E. Troupis	Meet with J.R. Troupis to discuss Motion to Compel; Work on Motion to Compel with J.R. Troupis; Draft Motion to Compel; Draft S.W. Karge Declaration in Support of Motion to Compel; Work on Motion to Compel with S. W. Karge	\$320	6.7	\$2,144
	James R. Troupis	Review of Motion to Compel and Declaration; editing of same	\$475	1.2	\$570
7/8/11	Stewart W. Karge	Complete Motion to Compel and supporting Declaration with S.E. Troupis	\$425	4.0	\$1,700
	Sarah E. Troupis	Work with S.W. Karge regarding Declaration and Motion to Compel; prepare exhibits to Declaration of Stewart Karge for filing; finalize Motion to Compel and Declaration and file same	\$320	6.0	\$1,920
7/11/11	Sarah E. Troupis	Phone call with Clerk of Court regarding filing of documents and exhibits (Motion to Compel)	\$320	.3	\$96
7/13/11	James R. Troupis	Preparation of documents for hearing on Motion to Compel, including review of specific items to be addressed in that motion; review Motion to Compel	\$475	2.4	\$1,140
7/15/11	Sarah E. Troupis	Review Defendants' Response to Motion to Compel	\$320	.7	\$224
	Peter G. Carroll	Review Motion to Compel; research discovery cases; Review <i>Ricoh v. Quanta Storage</i> (W.D. Wis.); Review document production in order to assist S. E. Troupis with Motion to Compel arguments; Prepare memo and email J.R. Troupis the <i>Ricoh</i> case and suggestions	\$475	1.7	\$807.50
7/16/11	Sarah E. Troupis	Draft Reply to Motion to Compel; Work with J.R. Troupis regarding	\$320	5.3	\$1,696

		same			
	James R. Troupis	Email correspondence on Motion to Compel and response from opposing counsel	\$475	.4	\$190
7/18/11	Stewart W. Karge	Review Reply of Promega to Motion to Compel	\$425	.5	\$212.50
	Sarah E. Troupis	Email to Kristine Johnson (opposing counsel) regarding Motion to Compel; Email to litigation team regarding attendance at Motion to Compel hearing; Work with P.G. Carroll re: Motion to Compel for review	\$320	1.9	\$608
	Peter G. Carroll	Work with J. R. Troupis and S. E. Troupis re: new production of documents and use in Motion to Compel; Review new production and provide analysis in the very late PM of issues for the Motion to Compel	\$475	4.6	\$2,185
	James R. Troupis	Review Response on Motion to Compel; Work with S.E. Troupis to complete editing of Reply in Support of Motion to Compel	\$475	1.7	\$807.50
7/19/11	Stewart W. Karge	Review final Reply Brief for Motion to Compel	\$425	.9	\$382.50
	Sarah E. Troupis	Revise Reply in Support of Motion to Compel; file same; review emails regarding Motion to Compel and revise same based on comments; review emails from Randy Dimond, litigation team regarding Motion to Compel hearing; prepare for Motion to Compel hearing; emails to/from Sandy Tabachnick regarding setting up of conference call for Motion to Compel hearing; review email from J.R. Troupis regarding issues for Motion to Compel hearing; review email from Randy Dimond regarding issues for Motion to Compel hearing	\$320	7.7	\$2,464
	Peter G. Carroll	Work with team to provide specific examples to S. E. Troupis for	\$475	3.8	\$1,805

		Motion to Compel Reply Brief; PM emails to S.E. Troupis with specific examples and suggestions; Review and comment on draft Reply Brief			
	James R. Troupis	Numerous emails and phone calls concerning Motion to Compel in preparation for hearing; phone call with client regarding Motion to Compel hearing and substance	\$475	2.9	\$1,377.50
7/20/11	Stewart W. Karge	Review Life Tech Brief regarding opposition to Motion to Compel	\$425	1.3	\$552.50
	Sarah E. Troupis	Review documents and prepare for Motion to Compel Hearing; attend Motion to Compel hearing	\$320	2.7	\$864
	Peter G. Carroll	Attend Motion to Compel Hearing	\$475	.3	\$142.50
	James R. Troupis	Preparation for hearing and hearing with the Court on Motion to Compel; post-hearing meetings on results and needed fee petition; phone call with client on hearing results	\$475	1.3	\$617.50

In total, attorneys working on the Motion to Compel worked a total of 60.3 hours, for a total amount of \$23,356, and Promega hereby requests this amount in this Expense Report.

Dated this 27th day of July, 2011.

By: /s/ Sarah E. Troupis
James R. Troupis, SBN 1005341
Peter G. Carroll (admitted *pro hac vice*)
Stewart W. Karge (admitted *pro hac vice*)
Sarah E. Troupis, SBN 1061515
Troupis Law Office, LLC
7609 Elmwood Avenue, Suite 102
Middleton, WI 53562
Ph: 608-807-4096
jrtroupis@trouplawoffice.com

Attorneys for Plaintiff